

REMARKS

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1, 3-4, 7, 9, 11-13, 16-17, 19, 21, 26-27, and 29 have been amended. Claims 1-29 are pending.

Claim Objections

Claims 3, 4, 11, 17, 26, 27, and 29 were objected to for containing minor errors and inconsistencies in use of terms. Applicants have amended claims 3, 4, 11, 17, 26, 27, and 29 to fix these errors. Therefore, Applicants respectfully submit that these objections have been overcome.

Claim Rejections - 35 U.S.C. § 112

Claim 13 is rejected under 35. U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 has been amended to further clarify the invention. Therefore, Applicants submit that the meaning of the terms in amended claim 13 is clear and that the rejection has been overcome.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 3-6, and 16 are rejected under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,169,729 to Feuerstraeter.

Claim 1 recites the following:

identifying a communication capability of a remote device;

dynamically generating a virtual data sub-channel within a physical Ethernet data channel over a communication link between a communication interface and the remote device, wherein a data rate of the virtual channel is selected based, at least in part, on the identified communication capability of the remote device;

parsing the physical data channel into a plurality of timeslots based, at least in part, on the identified communication capability of the remote device; and

assigning a communication session to one or more of the timeslots denoted by address information associated with at least the remote device.

Claim 16 recites similar limitations.

Feuerstraeter discloses a 200Mbps PHY/MAC combination for providing duplex operation at 400 Mbps. Feuerstraeter does not disclose dynamically generating a virtual data sub-channel within a physical Ethernet data channel, parsing the physical data channel into a plurality of timeslots based at least in part on the identified communication capability of the remote device, and assigning a communication session to one or more of the timeslots denoted by address information associated with at least the remote device. These limitations are recited in claims 1 and 16. Therefore, Applicants submit that claims 1 and 16 are not anticipated by Feuerstraeter.

Claims 3-6 are dependent claims and distinguish for at least the same reasons as their independent base claim in addition to adding further limitations of their own. Therefore, Applicants submit that Feuerstraeter does not anticipate claims 3-6 for at least the reasons set forth above.

Claim 2 is rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. US 2003/0058894 A1 issued to Feuerstraeter (Feuerstraeter_2).

Feuerstraeter_2 discloses an apparatus and method for automatically detecting the port type of a remote device. Feuerstraeter_2 does not disclose dynamically generating a virtual data sub-channel within a physical Ethernet data channel, parsing the physical data channel into a plurality of timeslots based at least in part on the identified communication capability of the

remote device, and assigning a communication session to one or more of the timeslots denoted by address information associated with at least the remote device. These limitations are recited in claim 1. Therefore, Applicants submit that claim 1 is not anticipated by Feuerstraeter_2.

Claim 2 is a dependent claim and distinguishes for at least the same reasons as its independent base claim 1 in addition to adding further limitations of its own. Therefore, Applicants submit that Feuerstraeter_2 does not anticipate claim 2 for at least the reasons set forth above.

Claim Rejections - 35 U.S.C. § 103

Claims 7, 8, 17, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Feuerstraeter_2 in view of Feuerstraeter.

As discussed above, neither Feuerstraeter nor Feuerstraeter_2 discloses dynamically generating a virtual data sub-channel within a physical Ethernet data channel, parsing the physical data channel into a plurality of timeslots based at least in part on the identified communication capability of the remote device, and assigning a communication session to one or more of the timeslots denoted by address information associated with at least the remote device. These limitations are recited in claims 1 and 16. Therefore, Applicants submit that claims 1 and 16 are patentable over Feuerstraeter and Feuerstraeter_2.

Claims 7-8 and 17-18 are dependent claims and distinguish for at least the same reasons as their independent base claim in addition to adding further limitations of their own. Therefore, Applicants submit that claims 7-8 and 17-18 are patentable over Feuerstraeter and Feuerstraeter_2 for at least the reasons set forth above.

Claims 9-12, 19, and 21-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Feuerstraeter_2 in view Feuerstraeter and further in view of “Comparison of Rate Control Methods,” by Howard Frazier of Cisco (Frazier).

Frazier is a presentation for rate control options by the IEEE P802.3ae Task Force. Frazier does not disclose dynamically generating a virtual data sub-channel within a physical Ethernet data channel, parsing the physical data channel into a plurality of timeslots based at least in part on the identified communication capability of the remote device, and assigning a communication session to one or more of the timeslots denoted by address information associated with at least the remote device, as recited in claims 1, 16, and 21. Therefore, Frazier does not cure the deficiencies of Feuerstraeter and Feuerstraeter_2. Thus, Applicants submit that claims 1, 16, and 21 are patentable over Feuerstraeter, Feuerstraeter_2, and Frazier.

Claims 9-12, 19, and 22-25 are dependent claims and distinguish for at least the same reasons as their independent base claim in addition to adding further limitations of their own. Therefore, Applicants submit that claims 9-12, 19, and 22-25 are patentable over Feuerstraeter, Feuerstraeter_2, and Frazier for at least the reasons set forth above.

Claims 14, 15, 20, and 26-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Feuerstraeter_2 in view Feuerstraeter and further in view of “802.3ae 5 Criteria,” by Hvostov et al. and “XAUI/XGXS Proposal,” by Hvostov et al. (Hvostov).

Hvostov discusses XAUI/XGXS and 802.3ae criteria. Hvostov does not disclose dynamically generating a virtual data sub-channel within a physical Ethernet data channel, parsing the physical data channel into a plurality of timeslots based at least in part on the identified communication capability of the remote device, and assigning a communication session to one or more of the timeslots denoted by address information associated with at least the remote device, as recited in claims 1, 16, and 26. Therefore, Hvostov does not cure the

deficiencies of Feuerstraeter and Feuerstraeter_2. Thus, Applicants submit that claims 1, 16, and 26 are patentable over Feuerstraeter, Feuerstraeter_2, and Hvostov.

Claims 14, 15, 20, and 27-29 are dependent claims and distinguish for at least the same reasons as their independent base claim in addition to adding further limitations of their own. Therefore, Applicants submit that claims 14, 15, 20, and 27-29 are patentable over Feuerstraeter, Feuerstraeter_2, and Hvostov for at least the reasons set forth above.

Conclusion

In view of the amendments and remarks set forth above, Applicants submit that claims 1-29 are in condition for allowance and such action is respectfully solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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